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PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Douglas B. BINDER Art Unit: 2151

S. N. 10/085,208 Examiner:

Filed: February 26, 2002

For: NETWORK SWITCH DISCOVERY
METHOD AND APPARATUS

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON PROVISIONAL APPLICATION
and
REQUEST FOR REFUND

Attention: Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

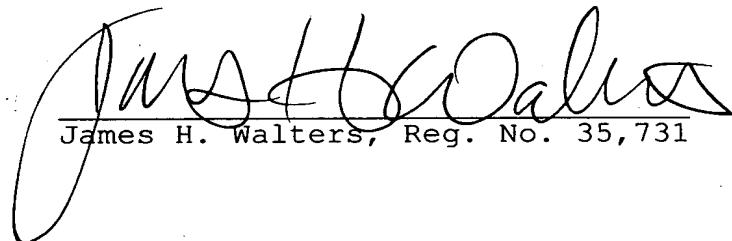
In response to the Notice to File Missing Parts of
Application mailed April 5, 2002 (copy enclosed), a copy of the
declaration which was attached to the application at the time of
filing is enclosed herewith.

The original declaration was signed and dated on
February 26, 2002, and transmitted by facsimile to applicant's
attorney. A copy of the declaration was forwarded with the
application by Express Mail to the Patent and Trademark Office on
February 26, 2002. To support this statement, a copy of the
return postcard date stamped to show receipt in the Patent Office
and a copy of page 2 of the transmittal indicating that a signed
declaration was timely transmitted are also enclosed.

Since, as noted above, a signed declaration was forwarded to the Patent and Trademark Office with the application at the time of filing, a second declaration identifying the application by application number and filing date is not provided herewith.

In the Notice, payment of the surcharge under 37 CFR 1.16(e) is requested by the Patent Office. In view of the above, such surcharge does not apply in this matter. However, to facilitate processing of this response, payment in the amount of \$130.00 (fee under 37 CFR 1.16(e)) is enclosed herewith. Since the surcharge is not applicable, a refund in the amount of the payment submitted herewith (\$130.00) is respectfully requested. Please forward the refund to the undersigned.

Respectfully submitted,

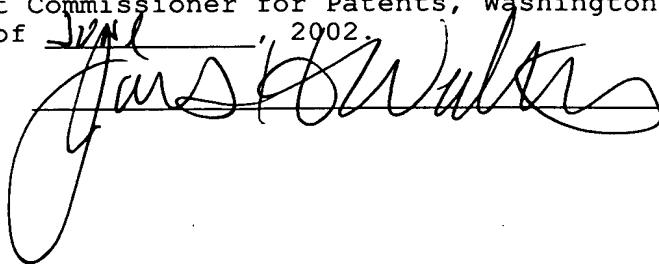


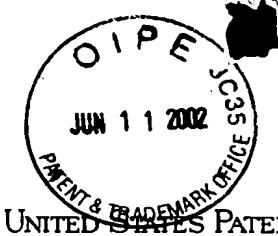
James H. Walters, Reg. No. 35,731

802
DELLETT AND WALTERS
Suite 1101
310 S.W. Fourth Avenue
Portland, Oregon 97204 US
(503) 224-0115
DOCKET: F-325

Certificate of Mailing

I hereby certify that this correspondence is being deposited as first class mail with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 5th day of April, 2002.





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Page 1 of 1

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/085,208 | 02/26/2002 | Douglas B. Binder | F-325 |

802
DELLETT AND WALTERS
310 S.W. FOURTH AVENUE
SUITE 1101
PORTLAND, OR 97204

CONFIRMATION NO. 1410
FORMALITIES LETTER



OC000000007807559

Date Mailed: 04/05/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/17/2002 ZJUHAR1 00000016 10085208

01 FC:105

130.00 0P

Adjustment date: 08/19/2002 SDIRETAA1
06/17/2002 ZJUHAR1 00000016 10085208
01 FC:105 -130.00 0P

Refund Ref: \$130.00
08/19/2002 SDIRETAA1 0000119917 11/E

CHECK Refund Total:: \$130.00